

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

The court conducted a hearing on the parties' proposed Amended Discovery Plan and Scheduling Order (Dkt. #96) on September 26, 2011. Robert Gerard appeared telephonically on behalf of the Plaintiffs, and Brian Keenan, David Lucey and Dan Manna appeared telephonically on behalf of the Defendants.

The parties submitted an Amended Discovery Plan and Scheduling Order within fourteen days of the district judge’s decision on the pending motion to certify a class as the court ordered. On September 2, 2011, the district judge entered an Order (Dkt. #94) denying Plaintiffs’ motion to certify a class, and dismissing plaintiffs’ claims for fraudulent misrepresentation, fraud in the inducement, and fraudulent concealment. The parties’ amended plan requests an April 13, 2012 discovery cutoff, with a May 18, 2012 deadline for filing dispositive motions. However, the complaint in this case was filed in state court and removed May 28, 2009. The Civil Justice Reform Act strongly urges federal courts to bring cases to trial within three years of the date of filing, and requires the trial courts to report any failure to try a case within three years of the date of filing to the Administrative Office of the Court and to Congress. The court advised counsel for the parties that their proposed plan would not be approved because it would make it impossible to try this case within three years, and that the undersigned had communicated with the chambers of the district judge about a trial setting, and would enter a discovery

1 plan and scheduling order consistent with the trial date.

2 The district judge's chambers provided the undersigned with a May 21, 2012 trial date, and May
3 16 calendar call. Accordingly, the court will enter a Discovery Plan and Scheduling Order consistent
4 with the trial date.

5 **IT IS ORDERED** that:

- 6 1. The parties' proposed Amended Discovery Plan and Scheduling Order (Dkt. #96) is
7 **NOT APPROVED** and is **DENIED**.
- 8 2. The following discovery plan and scheduling order dates shall apply:
9 a. Last date to complete non-expert discovery: **December 15, 2011**.
10 b. Last date to amend pleadings and add parties: **The deadline has run**.
11 c. Last date to designate experts and serve expert reports: **January 13, 2012**.
12 d. Last date to designate and serve rebuttal expert reports: **February 13, 2012**.
13 e. Last date to take expert depositions: **February 27, 2012**.
14 f. Last date to file dispositive motions: **March 12, 2012**.
15 g. Last date to file joint pretrial order: **April 30, 2012**. **The joint pretrial order**
16 **shall be filed whether or not the parties have a decision on any pending**
17 **dispositive motions. The joint pretrial order shall indicate this case is set for**
18 **trial on May 21, 2012 at 9:00 am, on a stacked calendar, with a calendar call**
19 **on May 16, 2012 at 9:00 am, in accordance with the district judge's order**.
- 20 3. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be
21 included in the pretrial order.

22 Dated this 26th day of September, 2011.

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24 _____
25 Peggy A.leen
26 United States Magistrate Judge
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